



ANDREW M. CUOMO
Attorney General

CRIMINAL DIVISION
FEDERAL HABEAS CORPUS SECTION

(212) 416-6173

February 14, 2008

Hon. Andrew J. Peck
United States Magistrate Judge
Southern District of New York
120 Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1370
New York, NY 10007-1312

MEMO ENDORSED *pr*

Re: Carvajal v. Artus, 07 Civ. 10634 (CM) (AJP)

Your Honor:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for respondent in the above-referenced matter. By order dated December 10, 2007, Your Honor directed respondent to file its response to the above-referenced petition no later than February 15, 2008.

My office requested the state court records in December 2007. Although we received a substantial portion of the state court record from the New York County District Attorney's Office, we are still trying to obtain additional records that are necessary to respond to the petition. Additionally, my office received the trial transcript a few weeks ago. Because it is in excess of three-thousand pages, additional time is required to review it in order to properly brief the multiple issues for Your Honor's consideration. Additionally, I have been directed to file an appellee's brief in the United States Court of Appeals for the Second Circuit by March 10, 2008. In addition, I have been directed to file responses to seven other federal habeas corpus matters in next two months. For these reasons,

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respondent respectfully requests an extension of time to May 15, 2008 to respond to the petition.

This is my first request for an extension of time. I have not spoken with petitioner, who is proceeding pro se, regarding this request.

Thank you for your consideration.

Respectfully submitted,

Thomas B. Litsky

Thomas B. Litsky (TL-8976)
Assistant Attorney General
120 Broadway
New York, NY 10271

cc: Alvaro Carvajal
96-A-2380
Clinton Correctional Facility
P.O. Box 2002
Dannemora, NY 12929

MEMO ENDORSED 2/15/08

DENIED. Time extended by 3/30/08. Further extension is arbitrary.

SO ORDERED:

[Signature]
Hon. Andrew Jay Peck
United States Magistrate Judge

*gms: M. Carvajal (not)
in copy (PA)
Jed McRob*

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
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Dated: February 15, 2008

Total Number of Pages: 3

TO	FAX NUMBER
Thomas B. Litsky, Esq.	212-416-8931

TRANSCRIPTION:

MEMO ENDORSED 2/15/08

DENIED. Time extended only to 3/31/08. Further extensions are extremely unlikely.

**Copies to: Alvaro Carvajal (Mail)
Judge Colleen McMahon**